

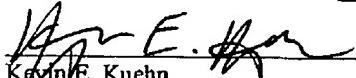
RECEIVED
CENTRAL FAX CENTER

AUG 11 2011

PATENT

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the Office of Petitions, U.S. Patent and Trademark Office, at fax number 571-273-8300 on August 11, 2011.



Kevin E. Kuehn
Reg. No. 51904

August 11, 2011
Date

RECEIVED

AUG 19 2011

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant[s]:	Johannes Martin et al.
Serial No.:	08/978,839
Patent No.:	6,067,916
Filing Date:	November 26, 1997
Examiner:	Ljiljana V. Ceric
Art Unit:	3743
Title:	PROCESS AND DEVICE FOR PRODUCING AND UTILIZING GAS FROM WASTE MATERIALS
Attorney Docket:	MTIN-02
Confirmation No.:	4935

August 11, 2011

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR RECONSIDERATION OF DECISION REGARDING
NOTIFICATION OF ERROR IN PAYMENT OF FEE(S)
AS A SMALL ENTITY (37 C.F.R. §1.28(c))**

1. This is a request for reconsideration of a decision in a Notice dated July 18, 2011, regarding non-acceptance of a prior deficiency submission made on May 25, 2011, under 37 C.F.R. 1.28. This prior deficiency submission was entitled "NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY (37 C.F.R. §1.28(c))" and is attached hereto as Exhibit A.

2. Patent Owner respectfully requests reconsideration of the prior deficiency submission in Exhibit A.

U.S. Patent No. 6,067,916
 (Serial No. 08/978,839)
 Filing Date: November 26, 1997

3. In the alternative, the prior deficiency submission in Exhibit A is hereby supplemented to replace original paragraph 4 with the following amended paragraph 4. The "Filing Date of Original Paper" for the "7.5 yr. Maintenance Fee" payment was indicated as "8/25/2005" in the prior deficiency submission. However, Patent Owner paid the "7.5 yr Maintenance Fee" on 11/22/2007. Amended paragraph 4 reflects the actual date of payment, i.e. 11/22/2007 with underlining and with the 8/25/2005 stricken out. No other amendments have been made to paragraph 4.

4. (Amended) Itemization of the Fee(s) Erroneously Paid as a Small Entity

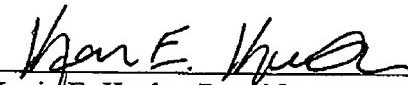
Filing Date of Original Paper	Type of Fee Paid	Column A Current Fee as a large entity	Column B Amount originally paid	Deficiency Owed (based on current fee amount) Col. A minus Col. B)
11/6/2003	3.5 yr. Maintenance Fee	\$980	\$455	\$525
<u>11/22/2007</u>				
8/25/2005	7.5 yr. Maintenance Fee	\$2480	\$1180	\$1300
TOTAL				\$1825

In view of the payment of this deficiency per 37 C.F.R. §1.28(c) as set out in Exhibit A, or alternatively as set out above, Patent Owner respectfully requests that the USPTO correct the file to indicate large entity status, and that the erroneous establishment of small entity status be excused.

U.S. Patent No. 6,067,916
(Serial No. 08/978,839)
Filing Date: November 26, 1997

If any additional fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.

By: 
Kevin E. Kuehn, Reg. No. 51,904

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917
Voice: (513) 241-2324
Facsimile: (513) 241-6234

AUG-11-2011 17:35

513 241 6234

513 241 6234 P.05

Exhibit A

PATENT**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being electronically transmitted via EPS-WEB on May 25, 2011.

RECEIVED

/Kevin E. Kuehn/ May 25, 2011
 Kevin E. Kuehn
 Reg. No. 51904

AUG 19 2011

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant[s]: Johannes Martin et al.
 Serial No.: 08/978,839
 Patent No.: 6,067,916
 Filing Date: November 26, 1997
 Examiner: Ljiljana V. Ceric
 Art Unit: 3743
 Title: PROCESS AND DEVICE FOR PRODUCING AND UTILIZING GAS
 FROM WASTE MATERIALS
 Attorney Docket: MTIN-01
 Confirmation No.: 4935

May 25, 2011

COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

**NOTIFICATION OF ERROR IN PAYMENT OF FEE(S)
 AS A SMALL ENTITY (37 C.F.R. §1.28(c))**

Erroneous Filing of Small Entity Statement

1. On August 19, 2003, after issuance of this patent, Patent Owner (the assignee) erroneously filed a small entity assertion for this patent.
2. Patent Owner made this small entity assertion in good faith and paid the small entity fee(s) in good faith.
3. Patent Owner recently learned that its small entity assertion was made in error, although such assertion was made in good faith. More particularly, Patent Owner believed in good faith that it was entitled to assert small entity status, at the time this assertion was made. Patent

USPTO
RECEIPTS ACCOUNTS
DIVISION

U.S. Patent No. 6,067,916

(Serial No. 08/978,839)

2011 AUG 12 AM 11:15

Filing Date: November 26, 1997

RECEIVED
CENTRAL FAX CENTER

AUG 11 2011

Owner has now learned that it was not so entitled. With this paper, Patent Owner rectifies this situation by identifying and paying the full large entity amounts for the first and second maintenance fees, i.e. the full deficiencies.

RECEIVED

AUG 19 2011

4. Itemization of the Fee(s) Erroneously Paid as a Small Entity

OFFICE OF PETITIONS

Filing Date of Original Paper	Type of Fee Paid	Column A Current Fee as a large entity	Column B Amount originally paid	Deficiency Owed (based on current fee amount) Col. A minus Col. B
11/6/2003	3.5 yr. Maintenance Fee	\$980	\$455	\$525
8/25/2005	7.5 yr. Maintenance Fee	\$2480	\$1180	\$1300
TOTAL				\$1825

5. Patent Owner respectfully requests that the total deficiency owed, i.e. an amount of \$1,825, be charged to Deposit Account 23-3000.

In view of the payment of this deficiency per 37 C.F.R. §1.28(c), Patent Owner respectfully requests that the USPTO correct the file to indicate large entity status, and that the erroneous establishment of small entity status be excused. If any additional fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.

By: /Kevin E. Kuehn/
Kevin E. Kuehn, Reg. No. 51,904

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917
Voice: (513) 241-2324
Facsimile: (513) 241-6234